

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA  
JOHNSTOWN DIVISION**

SCOTT ORTASIC and TAMMY ORTASIC,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No.
	)	
BUREAU OF COLLECTION	)	
RECOVERY, INC.,	)	
	)	
Defendant.	)	

**PLAINTIFFS' COMPLAINT AND DEMAND FOR JURY TRIAL**

SCOTT ORTASIC (individually "Scott") and TAMMY ORTASIC (individually "Tammy")(collectively referred to as "Plaintiffs"), by their attorneys, KROHN & MOSS, LTD., allege the following against BUREAU OF COLLECTION RECOVERY, INC. ("Defendant"):

**INTRODUCTION**

1. Count I of Plaintiffs' Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
3. Defendant conducts business in the State of Pennsylvania and therefore, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

**PARTIES**

5. Plaintiffs are natural persons residing in Clearfield, Clearfield County, Pennsylvania.
6. Plaintiffs are consumers as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiffs allegedly owe a debt as that term is defined by *15 U.S.C. 1692a(5)*.
7. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)* and sought to collect a consumer debt from Plaintiffs.
8. Defendant is a national corporation with a business office located in Eden Prairie, Minnesota.
9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.
10. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

**FACTUAL ALLEGATIONS**

11. Defendant is collecting on a debt allegedly owed to AT&T in the amount of approximately \$1,100.00.
12. In or around March 2010, Defendant started placing collection calls to Plaintiffs.
13. Scott told Defendant that Plaintiffs were unable to pay the debt.
14. Tammy told Defendant that calling after 1:00 p.m. was not convenient and to call prior to 1:00 p.m.
15. Defendant continues to place collection calls to Plaintiffs almost every day in the afternoon after 1:00 p.m.

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

16. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692c(a)(1) of the FDCPA by communicating with Plaintiffs at times and places known to be inconvenient to Plaintiffs;
- b. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiffs in connection with the collection of a debt; and
- c. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiffs.

WHEREFORE, Plaintiffs, SCOTT ORTASIC and TAMMY ORTASIC, respectfully request judgment be entered against Defendant, BUREAU OF COLLECTION COMPANY, INC., for the following:

17. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
18. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
19. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: /s/ Peter Cozmyk  
Peter Cozmyk  
Krohn & Moss, Ltd  
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Attorney for Plaintiffs

**DEMAND FOR JURY TRIAL**

Plaintiffs, SCOTT ORTASIC and TAMMY ORTASIC, demand a jury trial in this case.

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF PENNSYLVANIA

Plaintiff, SCOTT ORTASIC, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, SCOTT ORTASIC, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

11-1-2010  
Date

Scott Ortasic  
SCOTT ORTASIC

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF PENNSYLVANIA

Plaintiff, TAMMY ORTASIC, states the following:

8. I am the Plaintiff in this civil proceeding.
9. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
10. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
11. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
12. I have filed this Complaint in good faith and solely for the purposes set forth in it.
13. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
14. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, TAMMY ORTASIC, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

11/11/10  
Date

  
TAMMY ORTASIC